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TRANSMITTAL FORM

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| | | | |
|--|---|------------------------|------------------------|
| | | Application Number | 10/713,263-Conf. #1737 |
| | | Filing Date | November 17, 2003 |
| | | First Named Inventor | Masahiro KIMURA |
| | | Art Unit | 3735 |
| | | Examiner Name | NATARAJAN, Vivek |
| Total Number of Pages in This Submission | 7 | Attorney Docket Number | 0943-0142P |

ENCLOSURES (Check all that apply)

| | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply Restriction | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
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| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application | <input type="checkbox"/> Remarks | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|--------------------------------------|----------|--------|
| Firm Name | BIRCH, STEWART, KOLASCH & BIRCH, LLP | | |
| Signature | | | |
| Printed name | James M. Slattery | | |
| Date | November 28, 2005 | Reg. No. | 28,380 |



Docket No.: 0943-0142P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Masahiro KIMURA

Application No.: 10/713,263

Confirmation No.: 1737

Filed: November 17, 2003

Art Unit: 3735

For: OPTICAL MEASURING APPARATUS AND
METHOD

Examiner: NATARAJAN, Vivek

REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Restriction Requirement dated October 27, 2005, the following election and remarks are respectfully submitted in connection with the above-identified application.

The present Amendment includes:

Election of Claims beginning on page 2; and

Remarks found beginning on page 3.